

**STATE OF MAINE  
DEPARTMENT OF MARINE RESOURCES**

**IN THE MATTER OF THE APPLICATION )  
OF JOHN W. SHELDON D/B/A MARINE )  
BIOSERVICES COMPANY FOR RENEWAL )  
OF AN AQUACULTURE LEASE LOCATED )  
NORTH OF THE ROUTE ONE BRIDGE, )  
DAMARISCOTTA, LINCOLN COUNTY, )  
MAINE )**

**FINDINGS OF FACT,  
CONCLUSIONS OF LAW AND  
DECISION**

On August 12, 2002, John W. Sheldon, d/b/a Marine Bioservices Company, applied for the renewal of an aquaculture lease issued on April 22, 1993. The application requested a ten-year renewal, to April 21, 2013, of a 5-acre suspended and bottom culture lease located north of the Route One bridge, Damariscotta, Lincoln County, Maine.

Notice of the application for lease renewal was published in the December 2002 issue of Commercial Fisheries News and the December 5, 2002, and December 26, 2002 issues of the Lincoln County News. Members of the public, riparians and interested persons were given to January 4, 2003 to request a hearing on the application for lease renewal. No requests for a hearing on this application were received by the Department during the comment period.

Applications for aquaculture lease renewals are governed by 12 M.R.S.A. §6072(12) and Chapter 2.45 of the Department's rules, which provide that an aquaculture lease may be renewed unless the lessee has not complied with the original lease agreement during its term, substantially no aquaculture or research has been conducted, the Commissioner finds that it is not in the best interest of the state to renew the lease taking into consideration, among other things, the potential for conflict with other new or existing uses of the area which the Commissioner determines to be a higher use of the area from the perspective of the public interest, or that the renewal will cause the lessee to be a tenant of any kind in leases covering an aggregate of more than 250 acres.

John W. Sheldon has, while doing business as Marine Bioservices Company, complied with the lease agreement during its ten-year term. It has conducted shellfish aquaculture on the

site. There are no known conflicts with other new or existing uses of the area. Additionally, the renewal of this lease will not cause John W. Sheldon to lease more than 250 acres.

Finally, in order for the Department to locate the lease site using modern location finding technology, i.e., Differential Global Positioning Systems, the lease description has been converted to Datum NAD83 and Degrees True. While the original site location shall remain the same, the following lease description shall replace the description set forth in the original lease document: STARTING at the point Latitude 44°02'40.285"N, Longitude 69°30'54.170"W (datum NAD83/WGS84), and point of beginning; thence 227.25° True, a distance of 298.38 feet to the southwest corner; thence 310.91° True, a distance of 773.17 feet to the northwest corner; thence 78.80° True, a distance of 521.21 feet to the northeast corner; thence 144.20° True, a distance of 499.42 feet to the southeast corner and point of beginning. This new description sets forth the same boundaries of the original lease site, but is more precise and can be easily located through the use of modern technology.

### **Decision**

The Commissioner of Marine Resources grants the application of John W. Sheldon for renewal of the 10-acre aquaculture lease located north of the Route One Bridge, Damariscotta, Maine, for a period of ten years, to April 21, 2013. In the renewal of this lease, John W. Sheldon is subject to the same terms, conditions, and obligations as set forth in the original lease.

**Dated:** \_\_\_\_\_

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**George D. Lapointe (Commissioner)**  
**Department of Marine Resources**

